

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CAROLINE FAIRALL,

Plaintiff,

v.

CIVIL ACTION NO.: 1:15CV234  
(JUDGE KEELEY)

CAROLYN W. COLVIN,  
Acting Commissioner  
of Social Security,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
OPINION/REPORT AND RECOMMENDATION**

This matter came before the Court for consideration of the Report and Recommendation of United States Magistrate James E. Seibert ("R&R") (dkt. no. 19), dated August 18, 2016. Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court is required to review de novo those portions of the Magistrate Judge's findings to which objection is made. However, failure to file objections to the R&R permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to de novo review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon review of the R&R and the record, the Court **ADOPTS** the Magistrate Judge's R&R (dkt. no. 19) for the reasons more fully stated therein. Therefore, the Court:

ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

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1. **GRANTS** the defendant's motion for summary judgment (dkt. no. 17);
2. **DENIES** the plaintiff's motion for summary judgment (dkt. no. 11); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** it **STRICKEN** from the active docket of this Court.

The Court directs the Clerk of Court to enter judgment in favor of the defendant.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to all counsel of record.

DATED: November 18, 2016.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE